

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

3 BRIAN STRETCH (CABN 163973)
4 Chief, Criminal Division

5 DENISE MARIE BARTON (MABN 634052)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7359
10 Facsimile: (415) 436-7234
11 denise.barton@usdoj.gov

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) CR No. 03-07-70345
18 Plaintiff,)
19 v.)
20 GLENIO JESUA FERREIRA SILVA,)
21 Defendant.)
22

23) STIPULATION AND [PROPOSED] ORDER
24) EXTENDING THE TIME LIMIT FOR THE
25) PRELIMINARY HEARING AND
26) EXCLUDING TIME

27 The parties now stipulate and request that the Court enter an Order that the Preliminary
28 Hearing be removed from the September 28, 2007 calendar and be continued until October 26,
1 Hearing be removed from the September 28, 2007 calendar and be continued until October 26,
2 2007 and that time should be excluded from the Speedy Trial Act calculations from September
3 28, 2007 through October 26, 2007 for effective preparation of counsel. The Government has
4 provided voluminous discovery to the defendant and defense counsel requires time to review it.
5 Further, counsel for the Government and defense counsel are currently discussing pre-indictment
6 resolution of this matter. Finally, counsel for the defendant does not believe it is within his
7 client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.
8

9 STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
10 HEARING AND EXCLUDING TIME- CR 03-07-70345 BZ

1 5.1(c),(d). The parties represent that granting this continuance is necessary for effective
2 preparation of counsel to permit defense counsel to review discovery and to afford counsel time
3 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18
4 U.S.C. § 3161(h)(8)(B)(iv).

5 IT IS SO STIPULATED.

6 SCOTT N. SCHOOLS
7 United States Attorney

8 DATED: September 26, 2007

9 _____/s/
10 DENISE MARIE BARTON
11 Assistant United States Attorney

12 DATED: September 26, 2007

13 _____/s/
14 STEVEN GRUEL
15 Attorney for GLENIO JESUA FERREIRA
16 SILVA

17 **IT IS SO ORDERED.**

18 For the reasons stated above, the Court finds that the ends of justice served by the
19 continuance outweigh the best interests of the public and the defendant in a speedy trial and that
20 time should be excluded from the Speedy Trial Act calculations from September 28, 2007
21 through October 26, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A).
22 The failure to grant the requested continuance would deny the defendant effective preparation of
23 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
24 justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

25 DATED: 10/1/07



26 Honorable Nandor J. Vadas
27 United States Magistrate Judge

28 STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
HEARING AND EXCLUDING TIME- CR 03-07-70345 BZ